



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Computer Brokers  
File: B-226103.2  
Date: November 30, 1987

### DIGEST

1. In negotiated procurements, since the agency's technical evaluation is based upon information submitted with the proposal, the burden is on the offeror to submit an adequately written proposal. A proposal with material technical informational deficiencies may be rejected as technically unacceptable where the proposal demonstrates that the offeror did not make the effort to adequately address the solicitation requirements.
2. Proposal may properly be excluded from the competitive range where the offeror's price is substantially higher than the price of other offerors submitting technically acceptable proposals and the agency determines that the higher-priced proposal has no reasonable chance for award.
3. Protest that members of the technical evaluation team were biased is denied where no evidence is presented to support the protester's bare allegation.

### DECISION

Computer Brokers protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. 5-75932/042 issued by the Goddard Space Flight Center, National Aeronautics and Space Administration (NASA), for the delivery, installation and maintenance of two Level-0 Processor computer systems. NASA found Computer Brokers technically unacceptable and, also, not to have a reasonable chance of being selected for award because of its high price.

We deny the protest.

The RFP provided that the government would award a fixed-price contract to the responsible offeror whose proposal, conforming to the solicitation, had the highest overall point score, price, technical and other factors considered.

The RFP required the submission of a single proposal comprised of four physically separate volumes: (1) the completed representations, certification and other statements of the offeror, (2) the cost/price proposal, (3) the technical proposal and (4) the business proposal. If an alternate proposal was submitted, it was required to be clearly labeled and identified, and the reason for the alternative proposal and its comparative benefits was required to be explained in the business proposal.

The RFP specified that various areas of information must be addressed by each offeror, including a description of the proposed equipment, the training courses and maintenance plan offered, the offeror's support personnel, documentation to be delivered with the equipment, and experience and past performance information. Offerors were warned that only proposals prepared in accordance with the RFP instructions and requirements would be considered for award. The RFP provided that cost/price factors would be evaluated with almost twice the importance of listed technical factors.

NASA received proposals from four offerors, including the protester. As a result of its technical evaluation, NASA found that the proposals of three of the offerors were technically acceptable. Computer Brokers' proposal was found technically unacceptable because it was not responsive to the RFP provisions, was poorly organized, lacked essential technical information and demonstrated poor understanding of the solicitation requirements. In addition, Computer Brokers' price was found to be so high in comparison to the other offerors that it did not have a reasonable chance for award.

Since award has not been made under this RFP, NASA has only disclosed limited information to the protester and our discussion here must be general regarding the technical and price evaluation. We have, however, examined the total record in camera to determine whether NASA's action had a reasonable basis. See Tracor Marine, Inc., B-222484, Aug. 5, 1986, 86-2 C.P.D. ¶ 150.

Computer Brokers contends that its proposal contained all the information required by the RFP and that the NASA evaluators were biased and have committed perjury. We find no merit to the protester's arguments.

A protester has the burden of proving that the agency's evaluation was unreasonable. Robert Wehrli, B-216789, Jan. 16, 1985, 85-1 C.P.D. ¶ 43. In reviewing protests concerning proposals which have been rejected due to informational deficiencies, this Office looks at the extent

to which the solicitation called for detailed information. We also consider whether the omissions show that the offeror did not understand what it would be required to do under the contract, and whether the proposal as submitted was either inferior but susceptible of being made acceptable or so deficient that an entirely new proposal would be needed. Finally, we look at the number of other offerors in the competitive range and at the potential cost savings offered by the rejected proposal. Communications and Data Systems Assocs., B-223988, Oct. 29, 1986, 86-2 C.P.D. ¶ 491.

Here, the RFP instructions state that an offeror's technical proposal must clearly and fully demonstrate the offeror's capability, knowledge and experience in regard to the technical requirements described and that failure to respond or follow the instructions may result in the offeror's proposal being removed from further consideration. The instructions further provide that the offeror must address 10 specific areas, including a description of the proposed computer system, training and maintenance offered, support personnel, documentation to be delivered with the equipment and a floor plan showing the proposed configuration of the equipment.

Our examination of Computer Brokers' proposal discloses that, despite the RFP requirements, Computer Brokers mixed both its primary and alternate proposals into a single proposal and failed to clearly distinguish between the two offers. Computer Brokers completely failed to address the areas of training, maintenance, support personnel and documentation to be provided with its system. In addition, Computer Brokers failed to indicate whether the proposed equipment would be new or used, failed to include a floor plan to describe the configuration of the system offered in its primary proposal, and failed to provide any technical description of the Central Processing Unit offered in its primary proposal.

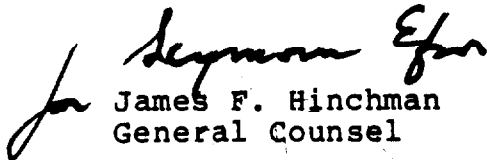
We also find that NASA reasonably determined that Computer Brokers demonstrated a poor understanding of the RFP requirements. Computer Brokers offered intermediate density disk storage although this requirement had been removed from the solicitation by amendment to the RFP. Furthermore, Computer Brokers stated in its proposal that it had doubts concerning whether the VSI operation system used by NASA would operate on its system because it had been modified for real-time operations. The solicitation requirements call for an unmodified VSI operating system.

Accordingly, we think that NASA reasonably found the Computer Brokers proposal to be technically unacceptable.

We note that even if Computer Brokers' proposal had been technically acceptable, NASA reasonably determined that the proposal's high price also warranted exclusion from the competitive range. The RFP provided that cost/price factors would be evaluated with twice the importance of technical factors. Computer Brokers' price on its primary proposal was more than twice that of the lowest offer and 50 percent higher than the next highest offer. We have found that a proposal that is technically acceptable as submitted need not be included in the competitive range when, relative to other acceptable offers, it is determined to have no reasonable chance of being selected for award because of the high price associated with it. See Systems Integrated, B-225055, Feb. 4, 1987, 87-1 C.P.D. ¶ 114.

Finally, with respect to Computer Brokers contentions that the NASA evaluation team is biased and has committed perjury, a protester must provide hard facts showing favoritism or antagonism toward a particular offeror. Aqua-Chem, Inc., B-221319, Apr. 3, 1986, 86-1 C.P.D. ¶ 319. Computer Brokers has presented no evidence to support its allegation of bias.

The protest is denied.

  
James F. Hinchman  
General Counsel